KEH-1

September 18, 1964

MEMORANDUM

TO: Mr. Willens

FROM: Mr. Liebeler

The following are some general comments on that portion of Chapter VI dealing with conspiracy, beginning with "Investigation of Other Activities" on galley 237.

1. We have not conducted sufficient investigation to state that there is no evidence that FPCC and ACLU were aware that they were authorized to receive mail at P.O. Box 6225, or that mail was ever addressed to them there.

2. Same as to statements re three post office boxes being used for surreptitious receipt of messages. I would delete the whole idea.

3. The sentence re investigation of aliases preceding footnote 714 in the galleys is much too broad.

4. Query, statement at top of page 153 that Oswald "consistently" used Hidell as name of officers -- he also used that name to get the rifle and revolver.

5. "That investigation has been conducted with regard to persons using the name of 'Lee.'" I think the statement following note 727 is too broad.

6. The sentence relating to Chapter VII at the end of the discussion of illness should read:

"Oswald's creation of false names and fictitious personalities is also treated in the discussion of possible motives set forth in Chapter VII."

7. Comments of second draft:

a. We cannot say that all of Oswald's transactions in connection with firearms were undertaken under an assumed name, only his known transactions.

b. I think the degree of doubt about the authenticity of the "repair tag" is overstated.

c. First sentence in first full paragraph on page 232 is too strong and should be changed along the lines indicated in my copy of the galleys.

d. The third sentence should also be qualified. The underlying report is not that strong.

e. The last sentence in that paragraph is not supported by the TV films we got from CBS. It should be deleted.

f. The second full paragraph has only a [illegible] [illegible] the last sentence [illegible] [illegible] the [illegible] and [illegible] [illegible] [illegible] only [illegible] [illegible] [illegible]

g. [illegible] the sentence Mrs. Whitworth and [illegible] could identify a picture of [illegible] and [illegible] Mrs. Whitworth [illegible] [illegible] stated that they could not [illegible] [illegible] with [illegible] [illegible] people."

8. **Rifle Practice.**

   a. Query if all the witnesses agree that the barrel had been shortened. (See note 775.)

   b. Do we have evidence on the question of whether or not Oswald's rifle sports [illegible] (see note 777.)

   c. What is our authority for the [illegible] of the Cedar Hill gunshots? (See note 781.)

   d. At note 791 -- Oswald could have been at Palmes' and still have gone to the rifle range. Add: "and did not leave there to go to the rifle range."

9. **Automobile demonstration.**

   a. I think it is Stemmons Freeway, not "Expressway."

10. **Alleged activities with Cuban underground organizations.**

   a. The title is inappropriate because Andrews and Pena do not talk about underground activities.

   b. The title and the introduction are inappropriate because they strongly suggest that Oswald was anti-Castro. The implication runs through Odio's testimony that he was an infiltrator. It would be better to start with a neutral sentence like:

"The Commission has also considered testimony of certain persons that claim to have seen Oswald in the company of unidentified persons of Cuban or Mexican background."

c. What is the authority for the statement that Mrs. Odio claims that both of her parents are political prisoners of the Castro regime?

To go back for a moment to the second rifle section: In the third full paragraph it states, "on November 24, Ryder and Greener discussed at length the possibility" that Oswald had been there, but "Ryder did not mention the tag to his employer." I know of no evidence that Ryder and Greener talked on the 24th.

If they did not, the next sentence must be changed or cut.

The next sentence is a good example of what happens in the "rewrite" process. It says, incorrectly, that on November 25 Ryder told the FBI that Greener did not remember the tag, although he had not called the tag to Greener's attention. The original sentence said, correctly, that Greener "did not remember the transaction represented by the repair ticket."

The next sentence says the FBI was directed to Ryder by anonymous phone calls. Not so. They were directed to the Irving Sports Shop and would very likely have talked to Greener, but he could not be found by the agent on November 25, 1963 when he went to the shop.

Back to Odio:

d. Check correct name of JURE.

e. The paragraph on bus transportation starting "There is no firm evidence" should be completely rewritten. I do not think there is "convincing evidence" that Oswald was on the buses as stated. One sentence says he was apparently one of four passengers bound for a point beyond Texas. The next suggests that he bought a ticket in Houston for Laredo, which is in Texas. The McFarland testimony is given too much weight. I don't think Mexican immigration records show the time of day he crossed the border. Slawson told me he got the time of crossing from the scheduled arrival of the bus. Now we are using it to show that since he crossed at that time he had to be on the bus.

f. Since we have no direct evidence that Oswald boarded bus 5133 in Houston, the first sentence of the next paragraph("Hence, the only time...") should be changed. That also obviates the necessity that he had to go from New Orleans to Dallas and thence to Houston.

There really is almost no evidence at all that he left Houston on that bus -- and there is really no reason why we should suggest there is. The point can be made without saying that and to seem to rely on really weak evidence is to invite trouble.

g. Again - later in the same paragraph - more reliance on the McFarlands. Their affidavit is very weak -- we should not fight it.

h. Then the single ticket from Houston to Laredo again -- which probably could not have been Oswald if he were one of the four heading for points beyond Laredo.

i. Also the assumption that the Twiford call was a local call. Why speculate - make the arguments -- he probably would not have called at all if he were not in Houston or going to be in Houston.

j. The conclusion that the evidence is *persuasive* that Oswald was not in Dallas on 9/25 is too strong.

k. The story of Father McChann (sp.?) is over-emphasized. We should state that Odio never told anyone else that Eugenio had been one of the men with Oswald. How can we conclude that McChann would not have become confused when he was apparently in a rest home of some sort and we have never seen or spoken to him?

l. Since we have never taken testimony from Odio's other two friends on which people could base judgment as to their veracity, we should not rely too heavily on their statements, about which they have never been crossexamined.

m. The first two full paragraphs on galley 242 should come out. The "inconsistencies", if any, are minor. Furthermore, Sylvia's testimony is actually misrepresented when it is stated that she and her sister felt Oswald "looked familiar" when they saw his picture after the assassination. Sylvia testified that she was sure it was Oswald.

The paragraph about the psychiatrist is quite unfair. It states that Odio "came forward" with her story, whereas she did not come forward at all and was quite reluctant to get involved at all. Her story came to the attention of the FBI through a third person. The hearsay statements of "friends" concerning their personal opinion of a witness are thin stuff indeed. The whole paragraph is poor and should come out.

The Odio analyses should be based primarily on the apparent likelihood that LHO was elsewhere. There are problems. Odio may well be right. The Commission will look bad if it turns out that she is. There is no need to look foolish by grasping at straws to avoid admitting that there is a problem.

11. Oswald not U.S. Agent.

a. Did CIA note his FPCC activities in New Orleans?

b. Why mention fact that LHO's name was not given to Secret Service -- leave to Chapter VIII.

c. Should not say Mrs. O. did not give any basis for her belief LHO was a U.S. agent - better to say any reasonable or credible basis. We should also add that the Commission has thoroughly considered all of her statements; that she was not foreclosed from giving any evidence she had and the Commission concluded that there was no real basis for her position.

d. Why do we mention the Ruby deal here -- how does that relate to LHO's being a U.S. agent?

e. Have we really seen the full CIA file on Oswald? - Do we need a footnote to the last sentence in the first full paragraph on galley 243?

f. Who is going to attest that they have reviewed the complete Bureau files dealing with the Oswald investigation?

12. Oswald's Finances.

a. The second paragraph is a little expansive. It certainly needs more than one footnote in any event.

b. Last sentence in 4th paragraph is ungrammatical.

c. Please lets take out "cheap and shabbily furnished" and other stuff of that sort! See galley and my previous comments on the draft for my suggestions.

d. I think we should cut the description of Oswald's wardrobe to the statement that it was also very modest.

e. The first full paragraph on galley 244 should be rewritten and shortened. I think the discussion of finances is too long and detailed. It is also too apparently precise to be readily believable.

f. To be somewhat facetious: If we are going to explain the other assistant in the FPCC distribution as a hired hand, we had better provide for him in the third full paragraph on 244.

g. We fall back into the first name treatment for Marina Oswald again.

h. Where do we get the hotel expenses of $1.28 per day on the Mexican trip?

i. If Oswald did not cash his unemployment check at Hutch's market, why do we mention it? I think it was cashed at an A&P store.

j. The whole discussion of Hutchison's testimony should be limited to one paragraph in the rumors section.

k. Why do we fail to mention the Cuban or Mexican that one of the Western Union employees said was with the man Hamblen thought was Oswald?

l. We should be more specific about the "other cities" in which WU has searched their records.

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